



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable T. D. Brooks, Chairman
Committee on Scholarship and
Agricultural and Mechanical College of Texas
College Station, Texas

Dear Sir:

Opinion No. 0-5828

Re: Will the requirement that Prairie
View College install a postage
meter make it unlawful for pos-
tage stamps to be bought for the
use of the mentioned committee
and its secretary?

From your opinion request of recent date we quote the
following:

"Subsection (12) of The General Provisions
of the Educational Appropriation Bill for the com-
ing biennium states--"If the expenditure for
postage stamps exceed twelve hundred dollars
(\$1,200) for any one year, each institution or
agency shall install a postage meter machine."

"Item 180 of the appropriation for Prairie
View College provides \$25,000 a year as scholar-
ship aid for qualified Negro graduate and pro-
fessional students in approved institutions out-
side the state, and creates an ex officio com-
mittee, with the Director of the Division of
Negro Education of The State Department of Ed-
ucation as executive secretary to select schools
and students."

"Will the requirement that Prairie View in-
stall a postage meter make it unlawful for postage
stamps to be bought for the use of this committee
and its secretary?"

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"The committee's outgoing mail will originate in Austin or College Station and cannot be passed through Prairie View College's postage meters without serious delay and added expense."

We have examined the provisions of Item 100 of the appropriation for Prairie View College, and also, subsection (12) of the general provisions of the Educational Appropriations Bill, referred to in your letter. We quote the language of each from House Bill 272 of the Regular Session of the Forty-seventh Legislature:

"For the Years Ending	
August 31,	August 31,
1942	1943

"100. Scholarship aid to qualified Negro students who have been residents of Texas more than eight years for graduate and professional study in approved colleges outside of Texas; schools and students to be selected by a committee composed of the Deans of the Graduate Schools of A. & M. College and The University of Texas, and the Dean of San Houston State Teachers College. The Director of the Division of Negro Education of the State Department of Education shall serve as Executive Secretary of said Committee.	\$25,000.00	\$25,000.00
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"Subsection (12). Postage Stamps. None of the money appropriated herein for postage stamps shall be spent except on warrants and checks made payable to a United States Post Office and the warrant or check shall be endorsed by the postmaster from whom the purchase is made. If the expenditure for postage stamps exceed Twelve Hundred Dollars (\$1,200) for any one year, each

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institution or agency shall install a postage meter machine. The installation cost and rental of said machine shall be paid from the maintenance and equipment fund of each institution or agency. (Underlining ours)

Under the facts as submitted by you, we do not believe subsection (12) is applicable to your committee as a part of the Prairie View School, unless the committee uses in excess of Twelve Hundred Dollars (\$1,200) per year for postage, we do not think the postage meter must be used by you. While your committee's appropriation is listed as Item 100 of the appropriation for Prairie View State Normal and Industrial College, we are of the opinion that within the contemplation of subsection (12), supra, that the committee is to be properly considered as an "agency" within itself, rather than as a part of the "institution".

Yours very truly

APPROVED AUG 7, 1941

ATTORNEY GENERAL OF TEXAS

Grover Miller
FIRST ASSISTANT
ATTORNEY GENERAL

Benjamin Woodall
BY
Benjamin Woodall
Assistant

BW:GO

